



MAR 12 2008

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By Hand

Honorable William H. Pauley
United States District Judge
Southern District of New York
500 Pearl Street
Room 2210
New York, New York 10007

MEMO ENDORSED

March 7, 2008

Application granted
SO ORDERED:

WILLIAM H. PAULEY III U.S.D.J.

3/14/08

*The status report is due
April 30, 2008*

Re: Federal Express Corp. v. Brockington et al. (07 CV 4775)(WHP)

Your Honor:

This Office is counsel for defendants Kumicki Gibson, Margaret Gormley-King, Caroline Downey, sued individually and in their capacities as officials in New York State's Division of Human Rights and for the New York State Division of Human Rights (collectively, the "State defendants"). This action seeks a declaration that a civil rights matter commenced administratively in the New York State Division of Human Rights ("DHR") by defendant Isaac L. Brockington against plaintiff Federal Express is preempted by the Employee Retirement Income Security Act ("ERISA"), and an injunction against those DHR proceedings.

On August 17, this Court entered an order directing that the parties "report whether they have resolved the ERISA preemption issue by September 7, 2007." The Court then extended that date at the joint requests of the State defendants and plaintiff to February 29, 2008. We write now, on behalf of the State defendants and plaintiff jointly, to report on the status of the settlement.

Specifically, since the last status letter, I have not yet received a new draft of the settlement stipulation from plaintiff's counsel. In the meantime, the administrative hearing in this matter has been going forward with the final hearings occurring on January 30-31, 2008. The parties are now preparing findings of fact based on those hearings, and awaiting the ALJ's decision.

In light of the status of the administrative hearing, the parties therefore respectfully request that the Court set the new date for a status report as April 31, 2008.

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Thank you for your assistance with this matter.

Respectfully submitted,



Elizabeth A. Forman
Assistant Attorney General

cc: Ian Harris, Esq. (by fax)
Colby S. Morgan, Esq. (by fax)
Mr. Isaac L. Brockington (by mail)